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REG. NO. 14736-069 C-1/B-15
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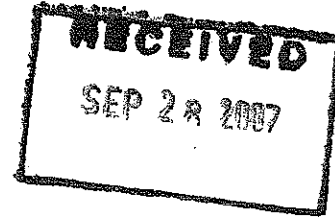
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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

Date: September 19, 2007

HONORABLE JUDGE
JAY A. GARCIA-GREGORY
UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO
FEDERAL BUILDING
ROOM 150
HATO REY, PUERTO RICO 00918-1767



RE: CRIMINAL NO. 97-0099(JAG)

DEAR HONORABLE JUDGE:

I am aware that you have a very busy schedule and work load within the District Court, but on February 26, 2007, my case was re-assigned to you due to the Honorable Judge Laffitte's retirement. You entered an order referring my motion for relief from judgment under Fed. R. Civ. P. 60(b)(6), and it was assigned to Magistrate Judge Marcos E. Lopez for his Report and Recommendation.

I was found guilty on count one: 21 U.S.C. § 846 - conspiracy to possess with intent to distribute seven (7) Kilograms or more of cocaine; a class A felony and count two: 18 U.S.C. § 924(c)(1) and (2), possession of a firearm in relation to a drug trafficking crime, and aiding and abetting; class D felony.

My motion for relief under Fed. R. Civ. P. 60(b)(6), sets forth that the governments only witness brought out the fact that I was not a conspirator as 21 U.S.C. § 846 brings out, because there is no possible way I could have known that a drug transaction was about to occur. At my trial on November 13, 1997, the prosecutor asked Ramirez (the governments only witness), as you could read on page 19 of the present motion and transcript page 115, line: 4-15, clearly shows that I was not a conspirator, because if I would have known that a transaction was about to occur, then why did I stepped out of my vehicle to ask Ramirez, **What was going on?**

In addition to the aforesaid facts, the trial transcripts clearly show that I put my own life at stake as any third partys life would have been endangered due to my unexpected appearance. This demonstrates that I did not know that a proposed crime was to occur and all along it's been on my trial transcripts.

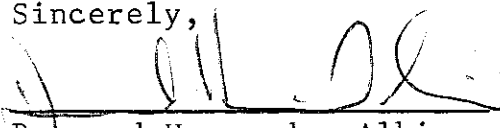
I'm humbly asking you your Honor, that now it's been 25 months since I have submitted my motion to the court showing that I was not a conspirator and I feel that if I did not have any viable issues, the Honorable Judge Laffitte would have denied my motion upon receiving it. I am hopeful that I was referred for a second opinion due to the fact that it has substance, and it definitely confirms my version of the incident.

As you are aware the Rules of the court provide upon the finding of an "Extraordinary Circumstances" and the court has the power and authority to vacate a judgment where such action is appropriate to accomplish justice. I contend that my motion clearly sets forth these "Extraordinary Circumstances."

I respectfully request that you contact the Honorable Marcos E. Lopez to ascertain the status of his Report and Recommendation. I appreciate your help and consideration in this matter. I believe that justice will be served upon the thorough reading of my present motion.

Thank you for your precious time.

Sincerely,



Raymond Hernandez-Albino